



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,467	12/11/2001	Walter Sebald	086033-000000US	2473

7590 10/11/2006

Joe Liebeschuetz  
Townsend & Townsend & Crew  
8th Floor  
Two Embarcadero Center  
San Francisco, CA 94111-3834

EXAMINER

WOODWARD, CHERIE MICHELLE

ART UNIT PAPER NUMBER

1647

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Interview Summary</b>	Application No.	Applicant(s)	
	09/913,467	SEBALD, WALTER	
	Examiner	Art Unit	
	Cherie M. Woodward	1647	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Cherie M. Woodward. (3) Neil Miyamoto, Reg#50,370, Applicant's Rep.  
 (2) Marianne Allen. (4) \_\_\_\_\_

Date of Interview: 04 October 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference  
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
 If Yes, brief description: \_\_\_\_\_

Claim(s) discussed: 1,3,7, and 10.

Identification of prior art discussed: Hubbell ('452 patent), Linkhart, and Ruppert.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

*Marianne P. Allen*

ARMARNE P. ALLEN  
 PRIMARY EXAMINER

10/5/06

441647

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

\_\_\_\_\_  
 Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The Examiner will withdraw finality of the previous office action and will consider rejoining claims 3 and 10 with the pending claims and will send out a final office action. The Examiner will also consider Applicant's arguments related to the Hubbell ('452 patent) reference related to (1) whether Hubbell teaches the addition of heparin-binding domains to growth factors already containing heparin-binding domains and (2) whether the genus of growth factors taught by Hubbell is sufficient to provide guidance regarding the claimed species of BMP. The Linkhart reference was discussed in terms of motivation and Ruppert was discussed in terms of whether it teaches away from the instant invention because the variant peptide of Ruppert failed to bind heparin.